

RESOLUTION 2022- 069

A RESOLUTION AMENDING RESOLUTION 2007-38 TO PROHIBIT SEX OFFENDERS FROM RESIDING IN ANY AND ALL LOCATIONS WHICH ARE PROHIBITED BY LAW AND DECLARING AN EMERGENCY

The Board of Trustees of Sycamore Township, County of Hamilton, Ohio (herein, the "Township"), met in regular session at 8540 Kenwood Road, Cincinnati, Ohio 45236 on June 21, 2022, with the following members present: Tom Weidman, Tracy Schwegmann, and Tom James.

WHEREAS, the Township has adopted a Limited Home Rule government in accordance with the Ohio Revised Code Section 504.01;

WHEREAS, Ohio Revised Code Section 2950.034 prohibits anyone who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense or a child-victim oriented offense from establishing residency within one thousand (1000) feet of certain premises;

WHEREAS, on June 21, 2007, the Township passed Resolution 2007-38 which provided a list of various locations from which sex offenders were prohibited from residing in the Township;

WHEREAS, the Township desires to amend Resolution 2007-38 to prohibit sex offenders from residing within any and all future locations that are within one thousand (1000) feet of an area prohibited by law;

WHEREAS, this Resolution supplements and updates Resolution 2007-38, which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Sycamore Township, Hamilton County, Ohio by authority of its Limited Home Rule authority, that:

The recitals above are hereby incorporated by reference.

Section 1.

No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to a sexually oriented offense or a child-victim oriented offense as defined by Ohio law under ORC § 2950.01 shall establish a residence or occupy residential premises within one thousand (1,000) feet of any school premises, preschool or child day-care center premises, children's crisis care facility premises, or residential infant care center premises, playground premises, park premises, library premises, swimming pool premises, non-school athletic field premises, and church premises. The one thousand (1,000) foot limitation shall be measured from the nearest property line of the residential premises occupied to the nearest property line of the school, preschool or child day-care center, children's crises care facility, residential infant care center, playground, park, library, swimming pool, non-school athletic field, or church premises.

Section 2.

For purposes of this Resolution, “residential premises” “school” “school premises” “preschool” “child day-care center” “preschool or child day-care center premises” “children’s crisis care facility” “children’s crisis care facility premises” “residential infant care center” and “residential infant care center premises” have the same meaning as defined in ORC Chapter 2950.

Section 3.

For purposes of this Resolution:

“Playground” or “park” mean any open, improved or unimproved lands owned, leased, or controlled by Sycamore Township, Hamilton County, or any other political subdivision, which are used or designated as a playground, park, parkland, or waterway and that are open to the general public, or those areas of private property used and designated as a playground or park area that are open to the public.

“Library” means any public library.

“Swimming pool” means any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee or concessionaire, regardless of whether or not a fee is charged for use, but does not mean a private residential swimming pool.

“Non-school athletic field” means any indoor or outdoor facility that is intended to be used collectively or individually for sporting activity such as softball, baseball, football, soccer, running track, tennis, and other non-motorized sports and is operated by any person whether as the owner, lessee, operator, licensee or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any private residential athletic field.

“Church” has the same meaning as ORC § 1710.01(B).

“Church premises” has the same meaning as “church property” under ORC § 1710.01(C).

Those premises that constitute school premises, preschool or child day-care center premises, children’s crisis care facility premises, or residential infant care center premises, playground premises, park premises, library premises, swimming pool premises, non-school athletic field premises and church premises in Sycamore Township are set forth in a complete list which is kept at the Sycamore Township Administration Building and available for inspection upon request during regular business hours. If any of the existing premises provided for on the list are replaced by a school, preschool or child day-care center, children’s crisis care facility, residential infant care center, playground, park, swimming pool, non-school athletic field, or church prior to any supplement to the list, those premises remain subject to the prohibitions contained in this Resolution.

Section 4.

Violation of Section 1 of this Resolution shall result in the levy of a civil fine in the amount of One Thousand Dollars (\$1,000.00) for the first and each subsequent violation. Each day that a person violates Section 1 of this Resolution shall be considered a subsequent violation. Sycamore Township shall also have a cause of action as stated in ORC § 2950.034 for injunctive relief against the person, to be pursued by action of the Sycamore Township Law Director, to remedy any such violation. The costs of such action shall be assessed to the Defendant at the successful conclusion of such action. Further, the plaintiff in such a cause of action shall not be required to prove irreparable harm in order to obtain relief.

Section 5.

If any subsection, paragraph, sentence, clause, or phrase of this section shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this section which shall continue in full force and effect, and to this end the provisions of this section are hereby declared to be severable.

Section 6.

This section shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of the ordinances, codes, or regulations in effect at the time the violation was committed.

Section 7.

The Trustees of Sycamore Township upon majority vote, do hereby dispense with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of this Resolution upon its first reading.

Section 8.

This Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety, and welfare of Sycamore Township. The reason for the emergency is to protect, without delay, Township citizens, residents, visitors, and the children of all of them as stated in this Resolution.

Section 9.

This Board hereby finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including Section 129.22 of the Ohio Revised Code.

Section 10.

This Resolution is hereby declared an emergency and shall take effect immediately and shall be posted for fifteen (15) days in five of the most public places in the Township, as previously determined by this Board, which positing is hereby ordered.

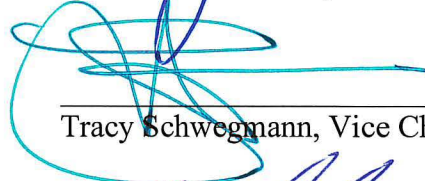
VOTE RECORD:

Mr. Weidman AYE Ms. Schwegmann AYE Mr. James AYE

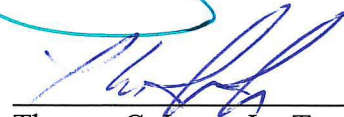
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 21st day of June, 2022.



Thomas J. Weidman, Chairman



Tracy Schwegmann, Vice Chairman



Thomas C. James Jr., Trustee

Adopted & Effective:

AUTHENTICATION

This is to certify that this is a resolution which was duly passed, and filed with the Sycamore Township Fiscal Officer this 21st day of June 2022.

ATTEST:



Robert C. Porter III, Sycamore Township Fiscal Officer

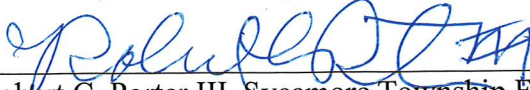
APPROVED AS TO FORM:



Lawrence E. Barbieri, Township Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on June 22, 2022 by posting in five public places as established by the Board of Township Trustees.



Robert C. Porter III, Sycamore Township Fiscal Officer

First Reading: June 21, 2007
Second Reading: Dispensed, 2007

RESOLUTION NO. 2007 - 38

**A RESOLUTION ADOPTED UNDER LIMITED HOME RULE AUTHORITY
PROHIBITING OCCUPATION OF CERTAIN RESIDENTIAL PREMISES BY
PERSONS REQUIRED TO REGISTER UNDER OHIO REVISED CODE SECTION
2950.04, DISPENSING WITH THE SECOND READING AND DECLARING AN
EMERGENCY**

WHEREAS, by virtue of the vote of the electors of Sycamore Township on November 3, 1992, which election was certified on November 17, 1992, Sycamore Township adopted the limited home rule form of Township government; and

WHEREAS, it is the intention of the Board of Township Trustees of Sycamore Township to establish greater restrictions upon those persons required to register under Ohio Revised Code Section 2950.04 than are required under Ohio Revised Code Section 2950.031 who choose to reside or occupy residential premises in Sycamore Township; and

WHEREAS, the Board of Township Trustees of Sycamore Township recognizes the need to protect the children within the community of Sycamore Township; and

WHEREAS, upon due consideration following discussion and debate, the Board of Township Trustees makes the following findings:

1. The public is provided adequate notice and information about offenders and delinquent children who commit sexually oriented offenses that are not registration-exempt, sexually oriented offenses or who commit child-victim oriented offenses, members of the public and communities can develop constructive plans to prepare themselves and their children for the offenders or delinquent child's release from imprisonment, imprisoned term, or other confinement or detention. This allows members of the public and communities to meet with members of law enforcement agencies to prepare and obtain information about the rights and responsibilities of the public and the communities and to provide education and counseling to the children.
2. Sex offenders and offenders who commit child-victim oriented offenses posing risk of endangering and further sexually abusive behavior even after being released from imprisonment, a prison term, or other confinement or detention, and protection of members of the public from sex offenders and offenders who commit child-victim oriented offenses is of paramount governmental interest.

3. The penal, juvenile, mental health components of the justice system of this state are largely hindered from public view and the lack of information from any component may result in the failure of the system to satisfy this paramount governmental interest of public safety described in revision paragraph (A)(2) of this section.
4. Overly restricted confidentiality and liability laws governing the release of information about sex offenders and offenders who commit child-victim oriented offenses have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks of public safety.
5. A person who is found to be a sex offender and they have committed a child-victim oriented offense has a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.
6. The release of information about sex offenders and offenders who commit child-victim oriented offenses to public agencies and the general public will further be governmental interests of public safety and public scrutiny the criminal, juvenile, and mental health systems as long as the information released is rationally related to the furtherance of those goals; and

WHEREAS, the Board of Township Trustees of Sycamore Township specifically adopts and incorporates all other findings made by the general assembly of the State of Ohio that are included within Chapter 2950 of the Ohio Revised Code; and

WHEREAS, the State of Ohio by act of its general assembly, has codified in Revised Code Section 2950.031, has determined that no person required to register under Ohio Revised Code Section 2950.04 is permitted to establish a residence or occupy residential premises within One Thousand Feet (1000') of any school premises; and

WHEREAS, the Board of Township Trustees of Sycamore Township further determines that the health and safety of its citizens, residents, visitors, and the children of all of them require that additional restrictions being placed upon persons required to register under Ohio Revised Code Section 2950.04;

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. This Resolution is passed in the exercise of this Board's limited home rule powers under Chapter 504 of the Ohio Revised Code.

SECTION 2. No person who has been convicted of, has pleaded guilty to, or pleads guilty to either a sexually oriented offense as defined by Ohio law that is not a registration-exempt sexually oriented offense or a child-victim

oriented offense as defined by Ohio Law and who under Ohio Revised Code Section 2950.04 must report his or her residence according to law shall establish a residence or occupy any residential premises within One Thousand Feet (1000') of any day care facility premises, playground premises, park premises, swimming pool premises, athletic field premises, and church premises. The One Thousand Foot (1000') limitation shall be measured from the nearest property line of the residential premises occupied to the nearest property line of the school, daycare facility, playground, park, library, swimming pool, church, or non-school athletic field premises.

SECTION 3.

Those premises that constitute a daycare facility premises, playground premises, park premises, swimming pool premises, athletic field premises, or church premises in Sycamore Township are set forth on the attached Exhibit A.

SECTION 4.

Violation of Section 2 of this Resolution shall result in the levy of a civil fine in the amount of One Thousand Dollars (\$1,000.00) for the first and each subsequent violation. Each day that a person violates Section 2 of this Resolution shall be considered a subsequent violation.

SECTION 5.

The Trustees of Sycamore Township upon a unanimous vote, do hereby dispense with the requirement that this resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of this resolution upon its first reading.

SECTION 6.

This Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to protect, without delay, Township citizens, residents, visitors, and the children of all of them as stated in this Resolution.

SECTION 7.

This Board hereby finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including Section 129.22 of the Ohio Revised Code.

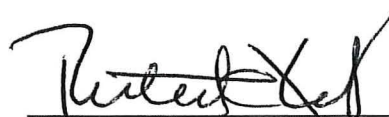
SECTION 8.

This Resolution shall take effect immediately and shall be posted for fifteen (15) days in five of the most public places in the Township, as previously determined by this Board, which posting is hereby ordered.


VOTE RECORD:

Mr. Bishop YES Mr. Kent YES Mr. Weidman YES

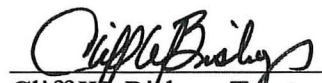
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 21st day of June, 2007.



Richard C. Kent, President




Thomas J. Weidman, Vice President



Cliff W. Bishop, Trustee


AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Clerk of Sycamore Township this 21st day of June, 2007.



Robert C. Porter III, Clerk
Sycamore Township, Ohio

APPROVED AS TO FORM:



R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on June 25, 2007 by
posting in five public places as established by the Board of Township Trustees.



Robert C. Porter III, Clerk

Exhibit A

Facility Name(s)
Address(es)
Parcel Identification Number(s) (PIN)

All Saints Catholic Church and School
Moeller High School
8939 Montgomery Road
9001 Montgomery Road
6000600001
6000500045
6000100035
6000500004

St. Vincent Catholic Church and School
7754 Montgomery Road
6000210030

Temple Ohav Shalom
8100 Cornell Road
60000230025

Temple Beni Tzdek
6280 Kugler Mill Road
6000920087

Northeast Church of Christ
12020 Southwick Lane
60001500016
60001500015

Mt. Carmel Baptist Church and Daycare
8645 Kenwood Road
60002010219

First Apostolic Church
7595 Montgomery Road
60002120012

Kenwood Fellowship Church (Kenwood and I-71)
7205 Kenwood Road
60000800319
60002110081

Exhibit A

Kenwood Baptist
4715 Kugler Mill Road
8210 Kenwood Road
6002020345

Trinity Church
3850 Galbraith Road
6002310008
6002310215

Rossmoyne Free Pentecostal Church
4301 Sycamore Road
6002030565

St. Savior
8404 Plainfield Road
6002030530
6002030531

A Childs Frontier
8283 E. Kemper Road
60000220034

Kids First
7900 E. Kemper Road
60000130027

Cincinnati Hills Christian Academy
11525 Snider Road
60000120027

Holmes Elementary
8688 Donna Lane
60002030001

Yavneh Day School
8401 Montgomery Road
60000920254

Exhibit A

Bechtold Park
4312 Sycamore Road
60002010041
60002030769
60002030653
60002030648
60002030053
60002030842
60002030055
60002030831
60002030045
60002030829
60002030822
60002030827
660002030841
60002030051
60002000036
60002000022

Bob Meyer Park
6740 Kugler Mill Road
60000920096
60000920070

Sycamore Township Nature Preserve
8097 School Road
8185 Fields Ertel Road
60000140162
60000140163

North Sycamore Recreation Facility
11797 Solzman Road
60000136005
60000136011
60000136077
60000136076

Deerfield Road Park
11580 Deerfield Road
60001300009
60001400121

Exhibit A

Kemper Road Park at Goldcoast
7388 E. Kemper Road
60001400024

Deerfield Road Park and Kemper Road
11675 Deerfield Road
60001400462

Sycamore Township Administration Complex and Park
8540 Kenwood Road
60000940069
60000940071
60000940168
60000940170
60000940173
60000940172
60000940174

Kenwood Swim Club
7101 Lynnfield
6000080064

Brookside Swim Club
4398 Sycamore Road
60002030779

Deer Park Branch of the Hamilton County Public Library
8351 Plainfield Road
NO PIN

CHCA Parking lot
11459 Snider Road
6001400024

High Point Park
No Address
No PIN
1st Avenue and Columbia Avenue

Brecon Methodist
7388 E. Kemper Road
60001400024

Exhibit A

Kemper Road Church of Christ
8130 E. Kemper Road
960000120010

Fields Ertel Church
8019 Fields Ertel Raod
60000140196

Latterday Saints Church
8250 Cornell Road
60000230025

Kenwood Gardens
No Address
No Pin
Montgomery Road / E. Galbraith Road Intersection